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**ATTORNEY FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**BILLINGS DIVISION**

<b>UNITED STATES OF AMERICA,</b>	<b>CR 18-117-BLG-DLC</b>
<b>Plaintiff,</b>	
<b>vs.</b>	<b>OFFER OF PROOF</b>
<b>NATHAN THOMAS TRUJILLO,</b>	
<b>Defendant.</b>	

The United States of America, represented by Assistant United States Attorney Colin M. Rubich, files its offer of proof in anticipation of the change of plea hearing set in this case on December 11, 2018.

## **THE CHARGE**

The defendant, Nathan Thomas Trujillo, is charged by Indictment with conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846 (Count I); possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) (Count II); and possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i) (Count III). The indictment also contains a forfeiture allegation.

## **PLEA AGREEMENT**

There is not a plea agreement in this case. Trujillo will plead guilty to the indictment without benefit of a written plea agreement. In the government's view, this is the most favorable resolution of this case for the defendant. *See Missouri v. Frye*, 566 U.S. 134 (2012).

## **ELEMENTS OF THE CHARGE**

In order for Trujillo to be found guilty of conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846, as charged in Count I of the Indictment, the United States must prove each of the following elements beyond a reasonable doubt:

**First**, there was an agreement between two or more people to possess methamphetamine with intent to distribute;

**Second**, the defendant entered the agreement knowing of its objectives and intending to accomplish at least one of those objectives; and

**Third**, the amount of methamphetamine that fell within the scope of the defendant's agreement with his coconspirators or was otherwise reasonably foreseeable to the defendant was at least 500 grams of a substance containing a detectable amount of methamphetamine.

In order for Trujillo to be found guilty of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1), as charged in Count II of the Indictment, the United States must prove each of the following elements beyond a reasonable doubt:

**First**, the defendant knowingly possessed methamphetamine;

**Second**, the defendant possessed the methamphetamine with the intent to distribute it to another person.

**Third**, the amount of methamphetamine that the defendant possessed was at least 500 grams of a substance containing a detectable amount of a methamphetamine.

In order for Trujillo to be found guilty of possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i), as charged in Count III of the Indictment, the United States must prove each of the following elements beyond a reasonable doubt:

**First**, the defendant committed the crimes of conspiracy to possess with intent to distribute methamphetamine and possession with intent to distribute methamphetamine, as charged in Counts I and II of the indictment;

**Second**, the defendant knowingly possessed a firearm; and

**Third**, the defendant possessed the firearm in furtherance of the crimes of conspiracy to possess with intent to distribute methamphetamine and possession with intent to distribute methamphetamine.

**Forfeiture Allegation:**

In reference to the Forfeiture Allegation stated in the Indictment, the government must prove the following by a preponderance of the evidence:

The firearms stated above were used and intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in the indictment.

**PENALTY**

Counts I and II of the Indictment carry a mandatory minimum ten years to life imprisonment, a \$10,000,000 fine, at least five years of supervised release, and a \$100 special assessment. Count III of the Indictment carries a mandatory minimum five years to life imprisonment, consecutive to any other sentence, a \$250,000 fine, five years of supervised release, and a \$100 special assessment.

**ANTICIPATED EVIDENCE**

If this case were tried in United States District Court, the United States would prove the following:

In August of 2018, Agents with the Eastern Montana High Intensity Drug Trafficking Area (EMHIDTA) Task Force and the Federal Bureau of Investigation's Big Sky W-TOC Task Force began an investigation into a methamphetamine distributor in the Billings, Montana area later identified as NATHAN THOMAS TRUJILLO (at this time, TRUJILLO was living under a stolen identity to avoid capture on an outstanding warrant so his actual identity was not initially known).

Throughout August of 2018 EMHIDTA Agents and Agents with the Montana Department of Criminal Investigation, (DCI), were able to conduct multiple controlled drug transactions with a direct co-conspirator of TRUJILLO's. After each controlled drug transaction the methamphetamine was tested and yielded a presumptive positive result. The amount of methamphetamine purchased during these transactions totaled approximately 13 ounces (368 grams).

After learning more about TRUJILLO and his distribution techniques, Agents learned that TRUJILLO travelled to Denver, Colorado to obtain pound quantities of methamphetamine for re-distribution in the Billings, Montana area. Based on the circumstances surrounding the investigation, Agents were able to obtain a Montana District Court Search Warrant to affix a GPS tracking device to a vehicle which was utilized by TRUJILLO.

Agent's utilized data obtained from the GPS Tracking unit to observe TRUJILLO travel to Denver, Colorado on August 31st, 2018. Upon TRUJILLO's return on September 7th, 2018 Agent's utilized Troopers from the Montana Highway Patrol (MHP), to effectuate an arrest on TRUJILLO at a gas station in Hardin, Montana. Search warrants had previously been obtained for the vehicle TRUJILLO was using and TRUJILLO's apartment.

Upon execution of the vehicle search warrant, Agents seized a plastic bag containing approximately 429 grams of suspected methamphetamine. The suspected methamphetamine was tested and the test results showed presumptive. In the same bag containing the suspected methamphetamine, Agents seized a digital scale and plastic baggies, items indicative of distribution. Agents also seized a Kimber 9MM pistol in the center console of the vehicle (TRUJILLO had the holster for this pistol attached to his belt on the small of his back). More firearms, illegal narcotics, and drug paraphernalia were located throughout the vehicle. Upon execution of the apartment search warrant, Agent's seized another firearm and more items of drug paraphernalia.

DATED this 10th day of December, 2018.

KURT G. ALME  
United States Attorney

/s/ Colin M. Rubich  
COLIN M. RUBICH  
Assistant U.S. Attorney